

2771-546-CIP1

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified patent application was allowed on July 5, 2007, without the existence of any double patenting rejection. It has come to Applicants' attention, however, that at least one patent and/or application relating to the above-identified application has not been previously cited in an Information Disclosure Statement. This terminal disclaimer is intended to eliminate any basis for potential obviousness-type double patenting by Applicants. As the deadline for payment of the issue fee in the above-identified application is October 5, 2007, **Applicants hereby request expedited approval of this terminal disclaimer** to ensure that the application will be in proper form for payment of the issue fee by such deadline.

A related Terminal Disclaimer is being concurrently filed in (allowed) U.S. Patent Application No. 11/057,594.

The owner, Advanced Technology Materials, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent no. 7,228,724 ("the Prior Patent," corresponding to attorney docket no. 2771-546-CIP3) as the term of said Prior Patent is defined in 35 U.S.C. 154 and 173, and as the term of said Prior Patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the preceding disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the Prior Patent, "as the term of said Prior Patent is presently shortened by any terminal disclaimer," in the event that said Prior Patent later:

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expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Furthermore, the owner, Advanced Technology Materials, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent(s) granted on:

- pending reference application number 10/784,750 filed on 2/23/2004 (attorney docket no. 2771-546-CIP2),
- pending reference application number 11/057,735 filed on 2/14/2005 (attorney docket no. 2771-546-DIV1),
- pending reference application number 11/057,734 filed on 2/14/2005 (attorney docket no. 2771-546-DIV2), or
- pending reference application number 11/057,594 filed on 2/14/2005 (attorney docket no. 2771-546-DIV3)

(collectively, "the Pending Reference Applications"), as such full statutory term is defined in 35 U.S.C. 154 and 173, and as the term of any patent(s) granted on said Pending Reference Applications may be shortened by any terminal disclaimer(s) filed prior to the grant of any patent(s) on the Pending Reference Applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent(s) granted on the Pending Reference Applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the preceding disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent(s) granted on said Pending Reference Applications, "as the term of any patent(s) granted on said Pending Reference Applications may be shortened by any terminal disclaimer filed prior to the grant of any patent(s) on the Pending

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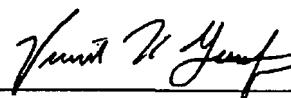
Reference Applications," in the event that: any such patent: granted on any of the Pending Reference Application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record in the instant application.

Payment of the \$130.00 terminal disclaimer fee under 37 CFR 1.20(d) is authorized in the enclosed Credit Card Payment Form PTO-2038.

Respectfully submitted,



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Enclosure:

Credit Card Payment Form PTO-2038 authorizing \$130.00

The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284